

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

0203-0194

Case Title:

Port Imperial Ferry Corp [REDACTED] - CWA)

Subject of Report:

2016-12-13 Interview of [REDACTED]

Reporting Office:

Edison, NJ, Resident Office

Activity Date:

December 13, 2016

Reporting Official and Date:

[REDACTED]
Special Agent

06-JAN-2017, Signed by: [REDACTED]

Approving Official and Date:

[REDACTED]
Special Agent in Charge
10-JAN-2017, Approved by: [REDACTED]
Assistant Special Agent in Charge

SYNOPSIS

On December 13, 2016, SA [REDACTED] and RAC [REDACTED] interviewed [REDACTED] at [REDACTED], in Deltona, FL.

DETAILS

On December 13, 2016, Special Agent (SA) [REDACTED], Environmental Protection Agency (EPA), Criminal Investigation Division (CID), and EPA Resident Agent in Charge (RAC) [REDACTED] conducted an interview of [REDACTED] ([REDACTED]). [REDACTED] was a former employee of NY Waterway. The interview was to investigate allegations of illegal sewage dumping into the Hudson River by NY Waterway ferries. The interview took place at [REDACTED], Deltona, FL. After being advised as to the nature of the interview, the following information was obtained from [REDACTED], in substance:

[REDACTED] stated [REDACTED] worked for NY Waterway for four years, from 2011 until July 2015 as a night shift mechanic, working from 8:00 pm until 4:30 am. [REDACTED] stated at the time [REDACTED] left he was earning \$27.00 an hour and that [REDACTED] was paid twenty-five cents more an hour for night differential. [REDACTED] stated that overtime was mandatory and when [REDACTED] worked overtime he was paid time and a half. [REDACTED] stated [REDACTED] worked on everything on the ferries and fixed everything (preventative maintenance). [REDACTED] stated [REDACTED] was trained for [REDACTED] position at NY Waterway. [REDACTED] told agents that before working for NY Waterway [REDACTED] worked as a mechanic in Jersey City and that [REDACTED] had always picked up on things quickly. [REDACTED] stated [REDACTED] supervisor at NY Waterway was named [REDACTED] ([REDACTED]), and that [REDACTED] had heard [REDACTED] no longer works there because he was fired.

[REDACTED] stated [REDACTED] quit working for NY Waterway because it almost cost [REDACTED]. [REDACTED] stated [REDACTED] was unhappy working there, angry all the time and [REDACTED]. [REDACTED] stated [REDACTED] loved the work and the pay but not the night shift or the crap that management made [REDACTED] do. [REDACTED] stated when mechanics clean the bilge out on a boat, the correct way to go about it is to first pump out the bilge, pressure wash then disinfect the area, then while wearing a suit, you fix any problems. [REDACTED] stated NY Waterway would just make you fix piping without cleaning it and [REDACTED] stated when [REDACTED] complained that [REDACTED] did not want to get a staph infection or hepatitis, management gave [REDACTED] a painters jump suit and cheap gloves to wear.

[REDACTED] stated [REDACTED] second year working at NY Waterway [REDACTED] was in an accident. [REDACTED] was working on one of the boats and [REDACTED] foot went through the wood floorboards and [REDACTED] broke his hand. [REDACTED] stated [REDACTED] was out a couple months from that injury. [REDACTED] stated [REDACTED] was written up a few times while working at NY Waterway, once for not wearing a life jacket, once for not wearing a hard hat, once for smoking on the boat and two times for being late. [REDACTED] stated that before [REDACTED] finally quit [REDACTED] was threatened at being written up for insubordination.

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█████ stated once █████ quit █████ and █████ family moved to Deltona, Florida █████ was out of work for approximately one month until █████ starting working for Serco. █████ told agents █████ is working as a mechanic on small/light equipment. █████ stated even though █████ doesn't make as much money as █████ did at NY Waterway there is much less stress and █████ likes his job.

█████ told agents that Serco has a government contract and is strict with how to properly dispose of liquids/chemicals. █████ said █████ remembered once █████ had an empty brake fluid container. █████ stated the only brake fluid left in it was the film on the inside of the container. █████ said he was rinsing it out in the sink when █████ supervisor saw █████ and jumped on him for cleaning it out there. █████ said █████ remembered telling █████ supervisor █████ should have seen how they did things at █████ last job and laughed.

Agents asked █████ if █████ worked on Goldman Sachs boats. █████ stated that yes █████ worked on Goldman Sachs boats, and all different boats, usually a different boat each day. █████ stated that Sundays were pre-check nights and █████ would be tasked with checking for leaks, checking the oil levels and coolant levels.

Agents asked █████ if █████ was aware of NY Waterway pumping sewage into the river and if so when was the first time █████ saw it or participated in pumping it. █████ stated that NY Waterway was pumping sewage into the river. █████ stated that first time █████ participated a boat had come in to the dock in an emergency. █████ stated █████ was there when it came in and one of the fuelers called █████ over and showed █████ how to do it. █████ explained that the portable pump used to pump sewage straight into the river was used when the regular pump was broken. █████ stated it was also used in the winter when pipes would freeze, so they used a jerry rigged pump to pump out the sewage straight into the river. █████ stated the correct pump NY Waterway uses is a diaphragm pump, so when it is cold it does not work very well. █████ stated that the first time █████ was shown how to use the portable one, it was an old gas pump, then later they upgraded to an electric pump. █████ stated mostly the fuelers were the ones to pump out the boats. █████ said █████ had been a spare fueler so sometimes █████ would help out and do it.

█████ stated █████ gave the management a hard time about not wanting to pump out the sewage. █████ said █████ would ask them what if the Coast Guard caught █████, █████ would be arrested or fined. █████s stated that management would make other workers do it, then the other workers would yell at █████, blaming █████ for them having to do it in █████ place.

Agents asked █████ where the portable pump was kept. █████ stated that the pump was kept on the floor in the shop, out in the open. █████ stated all the fuelers used it to pump sewage into the river because they are scared of losing their job, and that NY Waterway is a powerful company.

█████ told agents that the correct way to handle a broken pump was to call a company and the company would come and pump the sewage out into their truck and haul it off. █████ stated using the company would have been better because they could pump out the sewage fast and would then give the mechanics/fuelers more time to do their work and get more work done.

█████ stated that not every boat at the marina was pumped out regularly, most were only pumped out on special occasions, like July 4th. █████ stated on July 4th, the mechanics disconnect the pipes on most boats and let the sewage go to the bilge, then the mechanics would pump it all out later. █████ explained the bilge is the water that collects at the bottom of the boat. █████ stated there were four main boats that were pumped out regularly, actually three boats and a catamaran. These were subcontracted to NY Waterway. █████ stated on average the three boats held about 600 gallons of sewage each, that was pumped out every day, and the catamaran held about 200 to 400 gallons. █████ stated some boats had two tanks.

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█████ stated the two Goldman Sachs boats were always pumped out directly into the river. █████ explained that the piping that goes to the sewage on the Goldman Sachs boats is too thin and the correct pump does not have enough power to pump them out, for this reason they always pump the sewage straight into the river.

█████ stated █████ could tell when the correct pump was used because it would not stink, if the incorrect pump was used it would smell really bad. █████ stated that one time the mechanics were being fitted for masks to wear when painting. █████ said he asked the man fitting him if it would block out the smell of “shit”.

█████ stated that █████ was in the Union (Mechanic’s Union Local 407). █████ stated that █████ (█████) was the Shop Steward. █████ stated █████ had complained to █████ and █████ and even mentioned it to █████ once. █████ stated that █████ knew because one of the captains complained to █████. █████ stated that one of the day port captains, █████, did not like it but there was nothing █████ could do about it. █████ stated that █████ had shown the video █████ had taken to █████ and █████ “raised hell” about it. █████ stated after █████ talked to management everything went well for about a month and they didn’t have to pump out the sewage into the river. █████ said that after a month things went right back to the way they were and they had to start pumping the sewage into the river again. █████ stated that the workers would complain to each other about having to pump the sewage into the river.

█████ stated that █████ had told █████ not to do it but then █████ would tell █████ to pump the sewage into the river. █████ stated that there is a work log, that has what you have to do each night. █████ stated it was just a notebook with nightly instructions. █████ stated that █████ was smart, he would not write pump out sewage into the river. █████ stated █████ would either leave a message for █████ to call him, then he would instruct █████ to pump out the sewage, or █████ would write a note to use the “electric pump”. █████ explained that the message stating to use the electric pump would mean to pump out the sewage into the river with the portable pump.

Agents asked █████ where the employee restroom was located and how was it cleaned. █████ stated the employee restroom was located on the navy barge that was floating in the river. █████ explained the layout around the barges. █████ stated there were three areas: the navy barge, which had the restrooms, the travel lift barge (named because it actually has a travel lift) and the dog leg. █████ stated the dog leg is the actual wooden dock and █████ did not know how it got that name. █████ stated in 2014 the bathrooms were installed, and that before that they had to use “Porta Pottys”. █████ stated all mechanics used the navy barge and that sometimes it would be pumped out into the river. █████ stated █████ only pumped the sewage into the river about four or five times. █████ stated █████ supervisor, █████, was who instructed █████ to pump out the restrooms into the river. █████ said that most mechanics would pump the restrooms into the river without having to be told because if the tank got full, it could flood all over their tools. █████ stated no one wanted to work with tools covered in sewage.

Agents asked █████ if █████ knew anything about oil spills. █████ stated █████ knew nothing about any oil spills. █████ stated the engines leaked oil but usually the Coast Guard would give NY Waterway a “heads up” they were coming, so that when the Coast Guard actually arrived the boats were pumped out and wiped down. █████ stated that NY Waterway does not have oil/water separators, they only have a Rule 1500 pump and it is a cheap pump.

Agents asked █████ if █████ knew anything about fuel spills. █████ stated █████ knew of three different fuel spills that each happened from fuelers “fucking up”. █████ stated NY Waterway correctly cleaned up fuel spills because if people smelled gas they usually called the Fire Department. █████ stated NY Waterway did not want the Fire Department involved because there would be a lot of fines. █████ stated if there was

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a fuel spill management would call a company to come in and the company would contain it and clean it up. [REDACTED] stated NY Waterway fixed the nozzles on the fuel lines so they do not overflow now. Agents asked if Torres remembered seeing a sheen on the river. [REDACTED] stated yes, it was the Hudson and laughed.

Agents asked [REDACTED] if [REDACTED] knew anything about allegations of dry-land disposal of used oil and oil filters. [REDACTED] stated used oil was put into a tank and sold, [REDACTED] did not know who bought the used oil though. [REDACTED] said they put old filters in garbage bags and threw them in the regular trash. [REDACTED] stated [REDACTED] did not know anything else about oil or filter disposal.

Agents asked [REDACTED] if [REDACTED] had a video. [REDACTED] stated when [REDACTED] first moved to Florida [REDACTED] had a video and pictures on a Galaxy phone. [REDACTED] stated that [REDACTED] Galaxy phone broke and [REDACTED] thought everything with NY Waterway had blown over, so [REDACTED] ended up throwing the phone away. [REDACTED] told agents that early on [REDACTED] had contacted probably fifty different lawyers in order to see about filing a whistle blowers case. [REDACTED] said that each lawyer [REDACTED] spoke to had told [REDACTED] the video [REDACTED] had was self-incriminatory so [REDACTED] had not moved forward with it. [REDACTED] stated that about a year ago [REDACTED] had sent a few pictures to Attorney [REDACTED] ([REDACTED]), [REDACTED] attorney (identified as [REDACTED], herein [REDACTED]). [REDACTED] explained to agents why [REDACTED] had not sent [REDACTED] the video. [REDACTED] stated that when [REDACTED] began [REDACTED] wrongful termination case, [REDACTED] had told [REDACTED] that [REDACTED] was going to get a house from the money [REDACTED] was going to get from the suit, but [REDACTED] needed the video that [REDACTED] had. [REDACTED] told agents that [REDACTED] told [REDACTED] that if [REDACTED] got a new house how about at least getting [REDACTED] a new car. [REDACTED] stated that [REDACTED] said [REDACTED] attorney would contact [REDACTED]. [REDACTED] stated [REDACTED] sent [REDACTED] a check for fifty dollars and in the memo line it stated something about the pictures and video. [REDACTED] told agents he is not a "dumb spic" and [REDACTED] knew that if [REDACTED] cashed that check [REDACTED] would have to turn over the video, so [REDACTED] threw the check away. [REDACTED] said fifty dollars was like a slap in the face, especially since [REDACTED] and [REDACTED] attorney were suing for millions.

[REDACTED] was asked by agents if [REDACTED] knew anyone from NY Waterway that [REDACTED] felt would talk to agents. [REDACTED] stated that [REDACTED] didn't think anyone working there would talk to agents, but that agents should try to find any of the fuelers that quit or were fired. [REDACTED] stated [REDACTED] didn't remember anyone's name but a guy named [REDACTED] LNU. [REDACTED] stated people were scared to talk because NY Waterway is powerful and the owner, [REDACTED], used to be a mobster. [REDACTED] stated [REDACTED] was only in contact with one person currently working for NY Waterway and that [REDACTED] was out on leave with a broken leg.

At approximately 10:10 AM the interview was concluded and [REDACTED] was told that if [REDACTED] remembered anything else or had any questions to contact SA [REDACTED].

ATTACHMENT

[REDACTED] residence 1

[REDACTED] residence 2